

**AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON,
RELATING TO THE CITY'S ZONING CODE CONTAINED IN TITLE
18 OF THE LANGLEY MUNICIPAL CODE; AMENDING SECTION
18.01.040 OF LMC CHAPTER 18.01 TO ADD DEFINITIONS RELATED
TO ELECTRIC CHARGING STATIONS; AND ADDING A NEW
SECTION 18.22.115 – ELECTRIC VEHICLE CHARGING STATIONS TO
LMC CHAPTER 18.22 GENERAL PROVISIONS AND STANDARDS.**

WHEREAS, during the 2009 session the Washington State Legislature passed House Bill 1481 (hereinafter HB 1481) relating to electric vehicles; and

WHEREAS, Section 12 of HB 1481 codified as RCW 36.70A.695 requires all municipalities required to plan under the Growth Management Act with a population under 20,000 to adopt regulations that allow battery charging stations by July 1, 2011; and

WHEREAS, the City of Langley is a municipality required to plan under the Growth Management Act with a population under 20,000; and

WHEREAS, the HB 1481 addressed electric vehicle infrastructure including the structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations; and

WHEREAS, the purpose of HB 1481 is to encourage the transition to electric vehicle use and to expedite the establishment of a convenient and cost-effective electric vehicle infrastructure that such a transition necessitates; and

WHEREAS, RCW 36.70A.695 and RCW 35A.63.107 require the development regulations of any jurisdiction planning under the GMA must allow battery charging stations as a use in all areas except those zoned for residential or resource use or critical areas;

WHEREAS, RCW 36.70A.695 and RCW 35A.63.107 also provide that a jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed; and

WHEREAS, the Legislature agreed that the development of a convenient infrastructure to recharge electric vehicles is essential to increase consumer acceptance of these vehicles and the State's success in encouraging this transition will serve as an economic stimulus to the creation of short-term and long-term jobs as the automobile industry transforms, over time, from combustion to electric vehicles; and

WHEREAS, greenhouse gas emissions related to transportation constitute more than fifty percent of all greenhouse gas emissions in the State of Washington; and

WHEREAS, the use of electricity from the Northwest as a transportation fuel instead of petroleum fuels results in significant reductions in the emissions of pollutants, including greenhouse gases, and reduces the reliance of the state on imported sources of energy for transportation; and

WHEREAS, with the potential emerging market for plug-in electric vehicles, new industry standards have been adopted to ensure universal compatibility between vehicle manufacturers; and

WHEREAS, broad-based installation of new universally compatible charging stations is intended to ensure that plug-in electric vehicles will be a viable alternative to gasoline powered vehicles; and

WHEREAS, on September 28, 2011, the City’s SEPA Responsible Official aDetermination of Non Significance threshold determination under the State Environmental Policy Act for the proposed Electric Vehicle Infrastructure code amendments subject of this Ordinance; and

WHEREAS, in accordance with RCW Chapter 36.70A, a request for expedited review was received by the State of Washington Department of Commerce on September 12, 2011, and was granted expedited review on September 28, 2011; and

WHEREAS, the Planning Advisory Board (PAB) held a public hearing on November 14, 2011, regarding the proposal that is subject of this Ordinance; and

WHEREAS, the PAB considered the staff report and public comment received and forwarded a Recommendation to the City Council on November 17, 2011, a copy of which is attached hereto as Exhibit A, in which the PAB recommended that the City Council adopt the proposed code amendments subject of this Ordinance;

WHEREAS, on _____, 2011, the City Council in an open public meeting reviewed the Recommendation of the PAB and supports the Recommendation;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 18.01.040 Definitions of LMC Chapter 18.01 is hereby amended to include the following definitions:

“Battery electric vehicle (BEV)” means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

“Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

“Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose, including: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

“Electric scooters and motorcycles” means any 2-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries and produces zero emissions or pollution when stationary or operating.

“Electric vehicle charging station — restricted” means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

“Electric vehicle charging station — public” means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., park and ride parking, public library parking lot, on-street parking) or (2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots).

“Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

“Medium-speed Electric Vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Sec. 571.500.

“Neighborhood Electric Vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500.

“Non-Electric Vehicle” means any motor vehicle that does not meet the definition of “electric vehicle.”

“Plug-in hybrid electric vehicle (PHEV)” means an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

“Rapid charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

Section 2. A new Section 18.22.115 Electric Vehicle Charging Stations is hereby added to LMC Chapter 18.22 to read as follows:

18.22.115 Electric Vehicle Charging Stations

A. Where any other provisions of the Langley Municipal Code directly conflict with this Section, this Section shall control. Where no conflict exists, all other city code provisions shall be in force as to electric vehicle charging stations as applicable.

B. Level 1 and 2 electrical vehicle charging stations are allowed outright in all residential zones. Level 1 and 2 electrical vehicle charging stations are allowed in all commercial zones. Level 3 rapid charging stations are allowed outright in public use zone. Level 3 rapid charging stations are allowed in a commercial zone with the approval of an administratively approved Conditional Use Permit.

C. An electronic vehicle charging station is a public or private parking space(s) that are served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electrical vehicle and is classified based on the following levels:

1. Level 1 is considered slow charging and operates on a 15 to 20 amp breaker on a 120 volt AC circuit.

2. Level 2 is considered medium charging and operates on a 40 to 100 amp breaker on a 208 or 240 volt AC circuit.

3. Level 3 is considered fast or rapid charging and operates on a 60 amp or higher breaker on a 480 volt or higher three phase circuit with special grounding equipment. Level 3 stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allows for faster recharging of electrical vehicles.

D. Electric vehicle charging stations utilizing parking stalls located in a parking lots or parking garages or on-street parking spaces shall comply with the following standards:

1. Signage. Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Directional signage may be provided to guide motorist to charging stations space(s) provided that directional signs shall be consistent with MUTCD D9-11b and D9-11bP.

2. Accessibility. The design and location of the charging stations shall comply with the following barrier free accessibility requirements:

a. Accessible charging stations shall be provided for 10% of the charging stations provided for new or expanded parking lots subject to these standard or when installed for on-street parking.

b. Accessible charging stations shall be located in close proximity to the buildings or facility entrance and shall be connected to a barrier-free accessible route of travel.

c. Accessible charging stations shall comply with the requirements of WAC 51-50-005.

d. Electric vehicle charging stations are reserved for parking and charging electric vehicles only.

e. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

3. Lighting. Adequate site lighting shall be provided as required by Title 15 of the Langley Municipal Code.

4. Charging station equipment. Charging station equipment shall comply with the following standards:

a. Equipment mounted on pedestals, lighting post, bollards, or other devices for on-street charging stations shall be designed and located as to not impede pedestrian travel or create trip hazards within the right-of-way.

b. Charging station outlets and connector shall be no less than 36 inches and no higher than 48 inches from the top of the surface where mounted and shall contain a retraction device or a place to hang cords and connectors above the ground surface.

c. Equipment shall be protected by wheel stops or concrete-filled bollards.

5. Notification. At all charging stations the following information shall be posted:

a. Voltage and amperage levels.

b. Hours of operations if time limits or tow away provisions are to be enforced by the property owner.

c. Usage fees.

d. Safety information.

e. Contact information for reporting when the equipment is not operating or other problems.

6. Required facilities.

a. Development of new multifamily housing projects or new or expanded parking facilities, public or private, exceeding 20 parking spaces shall be required to provide electric vehicle infrastructure.

7. Review process.

a. New residential construction which proposes to include an electric vehicle charging station shall be reviewed with the underlying permits and is exempt from the requirements of this section.

b. Retrofitting of existing single family residential structures shall only be subject to applicable electrical and/or building permits, and is exempt from this section.

c. Review of electrical vehicle charging station(s) associated with new commercial, multifamily, or mixed use development shall be through the underlying site plan review process identified in the Langley Municipal Code. In the case where the underlying development does not meet the threshold for site plan approval, as determined in accordance with the Langley Municipal Code, the development of the electrical vehicle charging station shall be reviewed with the underlying permit(s).

d. When retrofitting on street public parking or a municipal parking lot, a commercial, multi-family, mixed use development or institutional use, the proponent shall provide to the city documentation on the new impacts associated with the electrical vehicle charging station. If the Planning Official determines that the new electrical vehicle charging station has an adverse impact on the public health, safety and welfare, then the retrofit shall be require site plan approval. If there is no substantial impact to the public health safety and welfare, the electric vehicle infrastructure shall be reviewed with the underlying electrical and/or building permit.

e. Minimum parking requirements. Electric vehicle charging stations located within parking lots may be included in the calculation of the minimum required parking spaces required pursuant to Section 18.22.130.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 5. Effective Date. This Ordinance will be in full force and effect five days after publication of an approved summary thereof consisting of the title.

PASSED by the City Council and **APPROVED** by the Mayor on _____,
day of _____, 2011.

ATTEST

MAYOR

Debbie Mahler, Clerk-Treasurer
Mayor

Paul Samuelson,

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

Published: _____